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LATHAM & WATKINS LLP

October 3, 2014

VIA ECF AND HAND DELIVERY

The Honorable Katherine B. Forrest
 United States District Court
 Southern District of New York
 500 Pearl Street
 New York, New York 10007-1312

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Re: *In re Aluminum Warehousing Antitrust Litig.*, No. 1:13-md-02481-KBF-RLE

Dear Judge Forrest:

The London Metal Exchange (“the LME”) respectfully requests permission to file a short sur-reply to plaintiffs’ reply in further support of their joint motion for reconsideration of dismissal of the London Metal Exchange on foreign sovereign immunity grounds without leave to replead (Doc. No. 593). The LME will be able to file this sur-reply by 10:00 am Monday.

Yesterday at midnight plaintiffs filed a 19-page reply memorandum and, in blatant violation of this Court’s rules (Local Rule 6.3), also filed a new declaration with 15 exhibits totaling about 250 pages (Doc. Nos. 593, 594). Plaintiffs’ reply completely changes the relief that plaintiffs requested in their opening motion. Now they are not only asking the Court to reconsider its denial of leave to amend, but they want the Court to reverse itself completely and hold that the LME is not entitled to sovereign immunity. It appears as if this latest salvo is intended for an audience other than this Court.

Since the LME can easily address briefly each of the points that plaintiffs raise, the LME respectfully requests permission to file a short sur-reply (no more than 10 pages) on Monday by 10:00am to ensure that, in the event of any appeal, its response to these points is in the record.

Hon. Katherine B. Forrest
October 3, 2014
Page 2

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Respectfully submitted,
/s/ Margaret M. Zwisler

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Enclosures

cc: All Counsel of Record (via ECF)